



September 29, 2017

BLM Utah State Office
Attn: Sheri Wysong
440 West 200 South
Suite 500
Salt Lake City, UT 84101

Re: Protesting Vernal Field Office's December 12th 2017 Oil and Gas Lease Sale along the Green River

Dear Ms. Wysong,

In accordance with 43 C.F.R. 3120.1-3, the National Outdoor Leadership School (NOLS) hereby timely protests the Vernal Field Office's December 12, 2017 offering of the following parcels involving public lands adjacent to the Green River in Utah: UT1217-052, UT1217-054, UT1217-055, UT1217-065, and UT1217-066.

Statement of Reasons

As an outfitter and recreational user of the Green River, NOLS is concerned about the encroaching oil and gas development adjacent to the river, as this development impacts the visual and acoustic experience of our students. The parcels identified in this protest are located in areas directly adjacent to the Middle Green River between Pariette Wetlands and Dinosaur National Monument. We do not believe that the impacts to recreation from the development of these parcels has been adequately addressed through the National Environmental Protection Act of 1970 (NEPA) process.

NOLS has been operating on the Middle Green River for nearly 30 years, teaching canoeing and kayaking courses to students who expect to be immersed in undisturbed natural settings with opportunities for quiet and solitude. This immersion in the natural environment is a defining characteristic of our School's business model and is centrally important to our educational philosophy. Since the beginning of our operations on the Middle Green River, we have watched the slow encroachment of energy development on parcels along this river corridor. This development has negatively impacted our operations, and threatens the long-term viability of this corridor for Utah's broader recreation community and outdoor economy.

Our primary concern is that BLM has inadequately responded to substantive issues raised by our comments around impacts to recreation along the Green River. The Vernal Field Office's responses (specifically responses 1, 2, and 4 in the final Environmental Assessment (DOI-BLM-UT-G010-2017-0028-EA) released in August 2017) to NOLS's comments raised in the public comment period dismiss our concerns by drawing a line between a leasing action and the actual disturbance activities impacting recreational users. Specifically, BLM's response states that,

"No surface disturbance activities will occur as a result of the proposed action of this EA because no permits are being authorized -- this is a leasing action only."

NOLS understands that there is a distinction between leasing and authorizing a permit to drill or develop the leased parcel, however, we find that BLM's response fails to take a "hard look" at our concerns that would negatively impact recreational use along the river corridor. By deferring consideration of our comments, we believe that BLM has disregarded its obligation to consider important negative impacts to recreational users at the point where these stakeholders can effect meaningful change in the agency's decision-making process. We believe that refusing to acknowledge our concerns until after leasing has taken place minimizes the importance of the public comment process required under NEPA. Furthermore, we are concerned that our ability as a stakeholder to comment on, and influence, any application to drill once these parcels are leased, will be significantly limited.

Importantly, the inadequate responses given by BLM to our concerns goes against BLM's own Manual on Planning for Fluid Mineral Resources. This document states clearly that:

"The BLM has a statutory responsibility under NEPA to analyze and document the direct, indirect and cumulative impacts of past, present and reasonably foreseeable future actions resulting from Federally authorized fluid minerals activities. By law, these impacts must be analyzed before the agency makes an irreversible commitment. In the fluid minerals program, this commitment occurs at the point of lease issuance." (United States Department of the Interior Bureau of Land Management, Manual Transmittal Sheet, H-1624-1, Section B.2)

This passage of BLM's Planning Manual makes it clear that both "direct and indirect" impacts to the recreational users of the Middle Green River must be analyzed before the point of lease issuance. What little analysis that has been done regarding impacts to recreation in the Environmental Assessment has been limited to Special Recreation Management Areas (SRMA's) and a limited number of recreation sites. This effectively omits consideration of groups recreating outside of these areas.

In addition to BLM's internal planning manual, there is also a legal precedence establishing that BLM must address significant concerns in the NEPA process before the development phase on parcels being considered for leases that lack Non-Surface Occupancy (NSO) stipulations for *all* surface disturbance activity. This was the conclusion of US Court of Appeals District of Columbia Circuit Court's decision reached in *Sierra Club vs. Peterson* 717 F.2d 1409 (1983), which found that:

"To comply with NEPA, the Department must either prepare an EIS prior to leasing or retain the authority to preclude surface disturbing activities until an appropriate environmental analysis is completed. If the Department retains the authority to preclude all surface disturbing activities pending submission of a lessee's site-specific proposal as well as the authority to refuse to approve proposed activities which it determines will have unacceptable environmental impacts, then the Department can defer its environmental evaluation until such site-specific proposals are submitted. If, however, it is unable to preclude activities which might have unacceptable environmental consequences, then the Department cannot issue leases sanctioning such activities without first preparing an EIS."

The five parcels under protest lack Non-Surface Occupancy (NSO) stipulations for *all* surface disturbance activities, meaning that the department cannot issue leases sanctioning oil and gas development without analyzing impacts that might have unacceptable environmental consequences first.

Throughout its planning process BLM has neglected to put forth information suggesting how oil and gas development will impact recreational users of the river in their Finding of No Significant Impact and Final EA assessment. Specifically, for parcels UT1217-052, UT1217-054, UT1217-055, UT1217-065 and UT1217-066 NOLS is concerned about how an increase in development will impact the view and the sound level experienced by

recreational users of the Middle Green River. These parcels received NSO Stipulation UT-S-123 Riparian Floodplains and Public Land Reserves, which only limits development on active flood plains, wetlands, public water reserves, or 100 meters of riparian areas. From our experience, this is not adequate to protect the aesthetic and natural characteristics of the river corridor and a larger set-back is needed. Furthermore, the impacts of light and sound from development on these parcels is limited only through Lease Notice UT-LN-115. This lease notice suggests the use of best technologies to minimize the light and sounds emitted from development, but offers no guarantee that these technologies will actually be implemented.

As a stakeholder for the last 30 years, NOLS has watched the quality of the recreation experience surrounding the Middle Green River decrease significantly because of energy development. We have watched the landscape surrounding the river fundamentally change with the addition of lights, machinery, new roads, and new sounds. We have even debriefed courses where students have complained that they could not sleep because of the sound of oil and gas wells. This development has gotten bad enough that faculty members have urged us to look elsewhere to operate our courses.

Despite the changes we have seen in this classroom, NOLS have educated thousands of students on trips down the Green River. On these trips, we strive to instill a strong appreciation and respect of public lands and their management. Although BLM's decision to lease and potentially develop parcels along the river has real and direct impacts on our operations, the biggest impact poses a longer-term threat also worth your consideration; it is much harder to educate and inspire students around the value of our public lands when their context for understanding them becomes an industrial park.

Request for Relief

NOLS respectfully request the following appropriate relief: the withdrawal of the listed protested parcels from the December 12, 2017 Competitive Oil and Gas Lease Sale, subject to further analysis of impacts that oil and gas development on these parcels would have on recreational users of the Middle Green River.

This protest is brought by and through the undersigned businesses and organizations. Members and staff of these organizations and businesses reside, work, recreate, or regularly visit the areas to be impacted by the proposed lease sale and therefore have an interest in, and will be affected and impacted by, the proposed action.

Sincerely,



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